

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

University California Los Angeles Medical Center
200 UCLA Medical Plaza NPI-68-236 A & B
Los Angeles, CA 90095-6955

**FULL BOARD MEETING MINUTES
April 29, 2005**

Board Members Present

Marcia Raggio, Ph.D., Chairperson
Rebecca Binge, M.A.
Alison Grimes, Au.D.
Jennifer Hancock, M.A.
Carol Murphy, M.A.
Lisa O'Connor, M.A.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Candace Raney, Staff Analyst
Lori Pinson, Staff Analyst
George Ritter, Legal Counsel

Board Members Absent

Paul Donald, M.D.
Diana Verdugo, M.S.

Guests Present

Linda Gasson, Speech-Language Pathologist, Providence St. Joseph
Chandra Carter, Audiologist, Providence St. Joseph
Patti Hamaguchi, Hamaguchi & Assoc, CSHA APD Taskforce
Carl Nelson, Physical Therapy Board of California
Dimitra Loomos, Audiologist
Dennis Van Vliet, Audiologist, HearUSA
Scott Jackson, SLP, California Veterans Home - Yountville
Lisa Allen, Psychologist, California Veterans Home - Yountville
Yvonne Sininger, Audiologist
Robert Powell, California Speech-Language-Hearing Association
Jane Moir, Los Angeles Office of Education
Rookie Hirsh, Speech-Language Pathologist

I. Call to Order

Chairperson Raggio called the meeting to order at 10:45 a.m.

II. Introductions

Those present introduced themselves.

III. Ceremonial Swearing In of New Board Members – Nancy Hall, Deputy Director Board Relations, Department of Consumer Affairs

Department of Consumer Affairs Deputy Director of Board Relations, Nancy Hall, was present and commenced the ceremonial swearing in of the Board's new speech-language pathology members, Jennifer Hancock, Carol Murphy, and Lisa O'Connor, and returning audiology board members, Alison Grimes and Rebecca Bingea.

IV. Approval of meeting minutes for January 14-15, 2005 Committee Meetings and Full Board Meeting

The Board discussed minor grammatical edits to the meeting minutes.

M/S/C: Grimes/O'Connor

The Board approved the January 14 & 15, 2005 Committee and Full Board Meeting minutes as amended.

V. Chairperson's Report (Marcia Raggio)

Ms. Raggio stated that SB 729 is legislation proposed by Senator Jack Scott that would allow the California State University (CSU) system to offer stand-alone doctoral degrees in specified professions. Ms. Raggio stated that she, Ms. Del Mugnaio, and Ms. Grimes attended the first hearing of the Senate Education Committee at the Capitol. Senator Scott Chairs the Education Committee.

Ms. Raggio stated that both the University of California (UC) system representatives and the CSU system representatives delivered very compelling arguments.

Ms. Raggio stated that the CSU system representatives made their case in favor of the legislation. They argued that the legislation is needed because California is in a crisis situation in audiology. CSU representatives argued that the UC has been uncooperative or minimally cooperative in previous attempts to establish joint doctoral programs in the past. The CSU representatives stated that a stand-alone program would not create a fiscal impact to the state as existing CSU resources would be redirected to cover the costs to develop the doctoral programs. They also contended that the authority for CSUs to offer doctoral education would not necessarily change the California Master Plan for Higher Education established in the 1960s. However, the Master Plan provides the UC with authority over public doctoral education.

Ms. Raggio stated that the UC system representatives presented arguments opposing the legislation, stating that the proposal changes the intended division in degree-granting authority provided for in the 40-year old Master Plan and would also be costly. The UC representatives also insisted that UC has made many “good faith” gestures to develop joint doctoral programs, but that such programs are very slow to mount. The UC referenced the successful joint audiology program between UC San Diego and CSU San Diego.

Ms. Raggio stated that some of the Legislators in support of the legislation expressed concern that the UC system had not been cooperative in working toward joint doctoral programs. They stated that, of the number of students enrolled in the UC and CSU systems combined, there are only 84 joint doctoral students on record, which does not suggest that a “good faith” effort has been extended by the UC. Legislators also questioned whether the UC may be attempting to retain independent control over the doctoral education and, therefore, have not been motivated to work with the CSU on joint programming opportunities.

Ms. Raggio stated that some Legislators were concerned that the CSU may take necessary resources and focus away from existing undergraduate programs to support new doctoral training, thereby potentially diminishing the quality of the undergraduate training, which is the primary responsibility of the CSU. These same Legislators echoed the concerns of the UC regarding the fiscal impact of the legislation.

Ms. Raggio stated that, at the end of the hearing, the members agreed to postpone a vote and offer the CSU and UC representatives an opportunity to work toward a compromise. There was a second hearing held; however, the UC system did not send representatives to the second hearing. At the second hearing, the vote was seven to zero in support of AB 724, with two members abstaining. The legislation passed out of the Senate Education Committee and will be heard in the Senate Appropriations Committee at a hearing scheduled for May 2, 2005.

Ms. Raggio stated that she and Ms. Del Mugnaio will continue to monitor the proposed legislation and provide a report at the next meeting.

Ms. Raggio stated that, on a related matter, an editorial column appeared in *The Sacramento Bee* following the introduction of the proposed legislation. She stated that it was a harsh and unfair assessment of the practice of audiology. She quoted a few lines of the column, which read, “Audiologists test hearing and fit hearing aids. Is that grounds to give them a doctoral degree? Do you even need a Master’s Degree to do that?” Ms. Raggio expressed frustration that the column was published with such an obvious lack of research.

Ms. Raggio stated that the article produced a “firestorm” of responses from many different agencies and associations rebutting the inaccuracies of the article.

Ms. Del Mugnaio explained that she worked with the Department of Consumer Affairs in drafting a Letter to the Editor in response to the editorial.

Appointment of Committee Members to the following Committees: Legislation, Licensing/Education, Speech-Language Pathology Practice, Continuing Professional Development

Ms. Del Mugnaio stated that, in response to recent Board member changes, it is necessary to make new appointments to various Board subcommittees.

Ms. Raggio made the following appointments to the Speech-Language Pathology Practice Committee: Ms. Hancock, Ms. Murphy, and Ms. O'Connor. Ms. O'Connor was appointed to serve as Chairperson of the Speech-Language Pathology Committee. Mr. Donald and Ms. Verdugo will remain as members of this Committee.

Ms. Raggio made the following appointments to serve as members of the Legislation Committee: Ms. Grimes and Ms. Murphy. Ms. Grimes was appointed as Chairperson of the Legislation Committee.

Ms. Raggio made the following appointments to serve as members of the Licensing and Education Committee: Ms. O'Connor, Ms. Grimes, Ms. Raggio, and Ms. Hancock. Ms. Grimes will serve as Chairperson of the Licensing and Education Committee.

Ms. Raggio made the following appointments to serve as members of the Continuing Professional Development Committee: Ms. Bingea, Ms. Murphy, and Ms. Hancock. Ms. Murphy was appointed to serve as Chairperson of the Continuing Professional Development Committee. Ms. Verdugo will remain as a member of this Committee.

Ms. Raggio stated that the Audiology Committee members will remain as previously assigned.

Ms. Del Mugnaio announced that an election of Board officers would be held at the next Board meeting.

VI. Executive Officer's Report (Annemarie Del Mugnaio)

A. Budget Update

Ms. Del Mugnaio stated that an updated budget projection is provided in the Board packet. She explained that the budget is tight. She stated that one of the program areas absorbing more funding than what was expected is the enforcement program.

Ms. Del Mugnaio stated that the Board will incur a significant expense in the upcoming fiscal year with the implementation of the Applicant Tracking System. This is a new system being implemented by the Board that will provide a mechanism to track applicant data electronically, and which will be much more efficient in researching applicant status than what is currently available to the Board. She stated that the Board is currently working with the Department of Consumer Affairs to obtain funding to support the implementation of the new system.

B. Staffing Update

Ms. Del Mugnaio again announced that Ann Bollenbacher has assumed the role of the Board's Continuing Professional Development (CPD) Coordinator. She is currently serving in the role and does an exceptional job as the Board's liaison with licensees regarding CPD. Ms. Bollenbacher has been busy working on the Board's 2005 CPD audit.

C. Governor's Reorganization Plans

Ms. Del Mugnaio stated that the Governor's Reorganization Plan regarding the consolidation of Department of Consumer Affairs Boards will not be pursued at this point in time. She stated that there is still a commitment by this Administration to downsize some of the Boards that exist in state government. Ms. Del Mugnaio stated that she will continue to monitor this process and report as necessary.

D. Board Appointment Process

Ms. Del Mugnaio explained that all new Board members, within one year of appointment, must participate in a board member orientation and must complete an ethics training course developed by the Office of the Attorney General. She stated that the next board member orientation will take place in Sacramento on June 15, 2005. She encouraged the new members to attend, if at all possible.

E. Out-of-State Travel Requests 2005

Ms. Del Mugnaio stated that the Board has forwarded the 2005 Out-of-State Travel request to the Department of Consumer Affairs for approval. The request included one trip to attend the National Council of State Boards annual meeting to be held in Cincinnati, Ohio. Ms. Del Mugnaio stated that she will keep the Board informed of the status of this request.

F. Status of Speech-Language Pathology Assistant Proposed Regulations

Ms. Del Mugnaio stated that the Board filed a regulatory proposal relative to the application requirements for Bachelor Degree applicants to qualify for registration as speech-language pathology assistants. This regulatory action would allow a Bachelor Degree holder with a minimum of 70 hours of clinical experience in the undergraduate program to apply for registration as a speech-language pathology assistant. The public comment period for the proposed regulatory amendment ended on April 25, 2005, and no comments were received by the Board. The regulatory proposal will be finalized for submission to the Office of Administrative Law for final review and approval.

VII. Enforcement/Licensing Statistical Reports (Candace Raney/Lori Pinson)

Ms. Del Mugnaio stated that the licensing statistical reports and the enforcement statistical reports are provided in the Board packets.

VIII. Proposed Amendments to the SLPAB Strategic Plan for 2005-2006

Ms. Del Mugnaio explained that the Board packet includes the Board's 2005-2006 strategic plan, and that she has provided suggested updates in strikeout and underline for the Board's consideration.

M/S/C: Grimes/Bingea

The Board voted to approve the strategic plan with minor technical edits as discussed.

IX. Committee Reports

Audiology Practice Committee (Bingea)

Ms. Bingea stated that the Audiology Practice Committee met to discuss legislation that would allow for over-the-counter hearing aid sales by persons who do not hold a license. The matter was set for hearing in the Legislature; however, the hearing was cancelled.

Ms. Del Mugnaio stated that she will continue to track this legislation and provide a report regarding the status of the bill at the next Board meeting.

Mr. Powell stated that he does not believe the legislation will move forward at this point.

Ms. Bingea stated that the Committee also reviewed and discussed a proposed website posting that would reference professional research in the diagnosis and treatment of auditory processing disorders.

Ms. Bingea explained that the purpose of the document is to make audiologists and speech-language pathologists aware of their ethical responsibilities in using treatment and diagnosis procedures that are efficacious and that do not harm consumers. She stated that the document serves to educate professionals that if a consumer is being billed for a service, the procedure needs to be evidence-based.

Ms. Del Mugnaio stated that the Committee also discussed providing this document to the Department of Education, as well as to other professional associations for dissemination to parent educators and professionals in other disciplines who may be using the term "auditory processing disorder" as general terminology referring to a learning delay.

Ms. Bingea stated that the Committee made changes to the document and is now presenting it to the full Board for consideration and approval to post to the Board's website.

M/S/C: Grimes/Bingea

The Board voted to adopt the Auditory Processing Disorder website document as proposed by the Audiology Practice Committee, with minor amendments as discussed.

M/S/C: Bingea/O'Connor

The Board voted to adopt the report and recommendations of the Audiology Practice Committee.

X. Legislation

A. SB 724 Scott – California State University Doctoral Degrees

Ms. Del Mugnaio stated that she attended the second hearing on this bill. She stated that it was a very productive meeting. She stated that many of the legislative Committee members were in favor of this bill; however, the members still have some concerns regarding the fiscal implications of the bill.

Ms. Del Mugnaio stated that in California, two-thirds of doctoral degrees are awarded through private education, and one-third of doctoral degrees are awarded through public institutions. She stated that this is of concern to the Legislature.

Ms. Del Mugnaio stated that, out of more than one million students currently enrolled in doctoral education, approximately 80 are enrolled in joint programs between the UC and CSU systems.

Ms. Del Mugnaio explained that the language of the bill identifies three professions for which the CSU would be authorized to provide doctoral education: physical therapy, audiology, and education. The Committee expressed concern that the CSU will return at a later date to expand the authority.

Ms. Del Mugnaio explained that, because this is the first opportunity the Board has had to review the SB 724 since its introduction, the Board should discuss whether taking a position on the bill is appropriate and is in the interest of consumer protection.

The Board determined that the most appropriate action by the Board regarding SB 724 is to remain neutral and to be available to the Legislature for background information on the profession of audiology.

Ms. Del Mugnaio stated that the Board did send a background letter to the Committee to offer support in terms of statistical and historical information pertaining to the profession of audiology.

Mr. Powell expressed frustration that the Board is not formally supporting the proposed legislation.

Ms. Del Mugnaio cautioned the Board against taking a formal position on this bill and consequently placing itself between two educational systems. She reiterated that the Board's primary concern should be consumer access and, as such, the Board would welcome either avenue of training to produce qualified professionals.

B. AB 1024 Walters – Abolish Licensing Boards (SLPAB)

Ms. Del Mugnaio stated that this bill a non-active bill and is not moving forward.

C. AB 436 Plescia – Communication Devices

Ms. Del Mugnaio asked Mr. Powell to provide the Board with information regarding the history and status of this bill.

Mr. Powell stated that Medi-Cal rates have been reduced for medical devices. He explained that speech devices were included in the reduction. The legislative analysis of this bill states that the proposed legislation "...would require the payment of a specified percentage of the manufacturer's suggested retail price for reimbursement under the Medi-Cal program for augmentative and alternative communication or speech generating devices." He stated that it has passed through the Assembly. He stated that he believes this legislation will be successful.

M/S/C: O'Connor/Murphy

The Board voted to submit a letter of support for AB 436.

D. AB 861 Bass – Licensure Discipline

Ms. Del Mugnaio stated that AB 861 has been amended and no longer applies to this Board.

E. SB 229 - Sunset Extension

Ms. Del Mugnaio stated that SB 229 should be replaced with SB 232 as the vehicle carrying the Board's sunset extension. This legislation provides for extension of the Board's sunset date to 2008 and an abolish date set for 2009. The Joint Legislative Sunset Review Committee has again extended the Board's sunset review date. The bill reestablishes the Board's operative dates.

XI. Proposed Regulations

A. Discussion of Proposed Amendments to California Code of Regulations Sections 1399.152

Ms. Del Mugnaio distributed an email she forwarded to the National Council of State Boards (NCSB) listserv regarding the status of audiology training in the state of California and the crisis California will be in if additional doctoral training programs in audiology are not developed. She stated that the intent of the email was to learn through the NCSB state exchange whether other states are experiencing similar difficulties with transitioning their audiology Master's Degree programs to Doctorate programs, and whether the NCSB

may be interested in communicating these issues to the American Speech-Language-Hearing Association (ASHA) with a request to consider an extension in accreditation for audiology Master's Degree programs. Ms. Del Mugnaio reported that she received responses from three states, none of which reported similar difficulties in training program development.

Ms. Grimes proceeded to review the working draft that, when in final form, will serve as a regulatory proposal amending the Board's existing definition of a board-approved institution. The regulatory proposal will define the components of a board-approved doctorate of audiology program. Several changes to the draft document were discussed by the Board, including changing the accreditation language for speech-language pathology program accreditation to acknowledge the accrediting body recognized by the American Speech-Language-Hearing Association, and changing the doctorate of audiology program standards to require a minimum of 4.5 full-time program faculty, 500 clock hours of clinical experience, and 1800 hours of supervised clinical practice to be supervised by a licensed (or its legal equivalent) audiologist who holds a doctoral degree in audiology.

M/S/C: Grimes/O'Connor

The Board voted to adopt the regulation proposal with the discussed changes to amend California Code of Regulations Section 1399.152 Board-approved institutions.

Ms. Del Mugnaio raised the issue of whether the Board should consider a request of the California Council of Academic Programs in Communicative Sciences and Disorders to include transitional language in regulation wherein the Board would approve Master's Degree audiology programs, previously accredited by the Council on Academic Accreditation (CAA), for a specific period of time to allow for doctoral program development.

Ms. Raggio stated that she believes the CAA would work with the Board if a request were made to extend the accreditation status of Master's Degree programs in audiology. She stated that the extension in accreditation would relieve the Board from potentially approving non-accredited programs that would not be further monitored or evaluated by an official accrediting body.

M/S/C: Bingea/Murphy Ms. Grimes and Ms. Raggio abstained from voting.

The Board voted to draft a letter to the American-Speech-Language-Hearing Association requesting consideration to extend Master's Degree audiology program accreditation for a transitional period in order to provide additional time for California to establish an adequate number of doctoral training programs in audiology.

Ms. Del Mugnaio stated that she would draft the letter and forward it to Ms. O'Connor and Ms. Grimes for review.

Ms. Del Mugnaio stated that the Board adopted regulatory language relative to the advertising of advanced degrees at the January 2005 meeting. However, there was a formatting error. That error has been corrected and the corrected language is available in the Board packet under agenda item number XIA. The regulatory proposal will be submitted with the Board-approved institution regulatory package.

B. Discuss Licensing Issues Related to Doctorate Education - Required Professional Experience Requirements (California Code of Regulations 1399.152.2 & 1399.153)

Ms. Del Mugnaio stated that the proposed amendments to California Code of Regulations Sections 1399.152.2 & 1399.153 removes the language that requires a Required Professional Experience (RPE) supervisor to hold a certificate of clinical competence from the American Speech-Language-Hearing Association (ASHA), as this will no longer be relevant with doctoral training in audiology. She stated that within the new AuD programs, the supervisors may or may not hold ASHA certification.

Ms. Del Mugnaio explained that, at the January 2005 Board meeting, the Board discussed amending the current regulations to acknowledge the supervisor qualifications as one holding state licensure, or an equivalent to state licensure for those states that do not have licensure. She stated that the amendments also need to address those individuals completing their clinical practicum.

The Board discussed the necessary amendments at length.

Ms. Grimes stated that, if the changes being proposed to the supervisor qualifications are meant to address doctoral degree program structure, merely requiring licensure or the legal authority to render professional services may not be appropriate for the supervision of doctoral students. She suggested that wording similar to that proposed in the Board-approved institution regulations regarding the supervisor holding a doctoral degree may be necessary.

Ms. Del Mugnaio responded and stated that the supervision qualifications for doctoral students will be covered in the proposed regulations defining the program criteria for a Board-approved doctoral program, and that supervision qualifications for Master's Degree training programs still need to be retained.

M/S/C: Murphy/O'Connor

The Board voted to approve the proposed amendments to the California Code of Regulations Sections 1399.152.2 dealing with clinical practicum supervision for audiologists, and 1399.153 acknowledging audiology RPE supervisors as persons licensed or legally authorized to practice in their respective state.

C. Discussion of the Board's Proposed Complaint Disclosure Regulations (California Code of Regulations Sections 1399.180 – 1399.187)

Mr. Ritter explained that the Board has proposed regulations according to a model recommended by the Department of Consumer Affairs. The Information Disclosure regulations would allow for disclosure of information to the public regarding individuals' license status. He explained that, at the January Board meeting, there was an issue raised regarding disclosure of information specifically related to licensees who have been cited for violations of law where the matter is pending. He stated that there was concern regarding disclosure at the point of issuance of a citation, as required by the disclosure policy, where it is possible that a citation may be dismissed or withdrawn after an office conference. He explained that the Board is proposing amendments to its citation and fine regulations to address this issue.

D. Discussion of Proposed Amendments to Citation and Fine Regulations (California Code of Regulations Section 1399.159 – 1399.159.4)

Mr. Ritter explained the proposed changes to the Board's citation and fine regulations. He stated that the proposed regulations amend the Board's citation and fine issuance procedures to allow for the issuance of a probable cause letter to the licensee, where the licensee is informed of the process and offered an opportunity to participate in an office mediation process prior to issuance of the actual citation.

Mr. Ritter explained that the language included in the proposed regulatory action is similar to the regulations currently used by the Medical Board.

Ms. Del Mugnaio stated that the regulations discussed have been before the Board a number of times at previous Board meetings, and that the new language is specific to the amendments related to the citation and fine process.

M/S/C: Grimes/Murphy

The Board voted to approve the proposed amendments to the California Code of Regulations Sections 1399.180 - 1399.187 regarding Complaint Disclosure and California Code of Regulations Sections 1399.159 – 1399.159.4 regarding Citation and Fine.

E. Review Proposed Continuing Professional Development Emergency Regulations - California Code of Regulation Sections 1399.151.1, 1399.160.3, 1399.160.6, & 1399.160.7

Ms. Del Mugnaio stated that this issue will be referred to the Continuing Professional Development (CPD) Committee to be discussed at the next meeting because the new members should review and digest the material prior to taking action on a regulation proposal. In addition, the Board has received comments from the subject-matter experts regarding suggested regulation amendments that may provide further clarity and consistency to existing requirements.

Ms. Jane Moir addressed the Board to express her concerns as a continuing professional development provider. She stated that she attended the January 2005 Board meeting, and at that meeting she became aware that a course she offers for continuing education regarding discipline may not meet the requirements of the CPD regulations as applicable for license renewal purposes.

Ms. Moir explained that she is very interested in participating in the discussions relative to the implementation of the new statutes and regulations related to the CPD program.

Ms. Del Mugnaio invited Ms. Moir to attend the Board's next meeting to be held in Sacramento. She stated that Ms. Ellen Fagan of the American Speech-Language-Hearing Association will be in attendance to address concerns and provide input regarding ASHA's role in the Board's CPD program.

Ms. Rookie Hirsh asked if additional information will be available at the next Board meeting regarding the Board's position relative to CPD, as well as ASHA's position relative to CPD.

Ms. Del Mugnaio explained that the Board is in the process of drafting regulatory language to implement a statutory change that became effective January 1, 2005. The new statute provides the Board with the authority to approve individual courses; therefore, the Board must amend its existing regulations that address only provider approval. She stated that under the existing regulations, it is the responsibility of the provider to ensure that all courses offered for CPD credit meet the requirements as set forth in the Board's regulations. Ms. Del Mugnaio explained that this action is being taken in response to considerable confusion among licensees and providers regarding the applicability of courses being taken for purposes of license renewal. She stated that much of the confusion stems from the disparity between the Board's criteria for course content and that which may be acceptable by professional certifying bodies or credentialing organizations.

Ms. Del Mugnaio stated that, during the Board's past CPD audit, it became clear that a considerable number of licensees were taking courses in areas not directly related to the scope of practice for which they are licensed. She explained that, instead of penalizing those individuals, the Board is taking a more educational approach and the implementation of the new statutes and regulations is a direct result of this effort.

Ms. Del Mugnaio stated that Ann Bollenbacher, CPD Coordinator, is working with volunteer subject-matter experts in the development of the regulatory language for the implementation of the statutes, as well as the review and approval of courses.

XII. Legal Analysis of Speech-Language Pathologists' Role in Cognitive-Linguistic Evaluations

Ms. Del Mugnaio explained that this issue was brought before the Board at a previous Board meeting by Lucinda Ford, speech-language pathologist at the Yountville Veteran's Clinic. In addition, Ms. Del Mugnaio was contacted by various individuals from the Yountville Veteran's facility requesting a legal opinion about speech-language pathologists' participation in cognitive-linguistic evaluations. The request came about as a result of the Department of Health Services' mandate to develop credentialing standards within the facility.

Ms. Del Mugnaio explained that legal counsel, George Ritter, assumed the task of determining whether existing statutory authority defining the practice of speech-language pathology provides for cognitive-linguistic evaluations.

Mr. Ritter explained that, in response to the issue raised by Ms. Ford, he was assigned to research the matter. Mr. Ritter stated that, through his research, he determined that part of the cognitive-linguistic treatment involves trying to rehabilitate a person's speech and swallowing functions. He stated that he determined that cognitive-linguistic evaluations are within the scope of practice of a speech-language pathologist.

Ms. Hancock reiterated Mr. Ritter's opinion, and stated that she feels that cognitive-linguistic therapy requires a multi-disciplinary approach.

Mr. Ritter prepared a legal opinion that is available for public dissemination. It is available pursuant to request. In addition, it will be posted to the Board's website.

Mr. Scott Jackson, speech-language pathologist at the Yountville Veteran's Clinic, addressed the Board regarding this issue. He explained that Yountville Veteran's Clinic is a state-run facility. He explained that, in November 2004, the Department of Health visited the facility and recommended that a number of different departments within the facility, including speech-language pathology, establish a credentialing and privileging program.

Mr. Jackson explained that, as part of this process, it was called into question whether or not cognitive-linguistic evaluation is within the scope of practice of a speech-language pathologist. Mr. Jackson stated that the physician who contacted the Board was not given a definitive answer regarding whether or not a speech-language pathologist can conduct cognitive-linguistic evaluations. Mr. Jackson stated that the Credentialing Committee did dictate that speech-language pathologists are allowed to perform a number of tests that are aphasia tests. He stated that this concerns him because these tests are not sufficient to adequately assess a patient's condition and function. He stated that he believes speech-language pathologists are educated and experienced to conduct many more tests than those being allowed by the Yountville Veteran's Clinic Medical Executive Committee.

Mr. Jackson requested that the Speech-Language Pathology and Audiology Board issue a formal statement that would allow the Board to acknowledge cognitive-linguistic evaluation and therapy as part of the scope of practice of speech-language pathologists, and also issue a statement that would direct a licensee to the user qualifications for each test to determine if a particular professional is qualified to conduct the test.

Ms. Del Mugnaio explained that the legal opinion prepared by George Ritter does acknowledge cognitive-linguistic evaluation and therapy as part of the scope of practice of a speech-language pathologist. However, she expressed concern regarding providing a statement directing professionals to consult the user qualifications manual for any test to determine if the professional is qualified to administer the test. She stated that this is a direct conflict of interest and not something the Board would be interested in supporting.

Ms. Lisa Allen, psychologist, addressed the Board regarding this issue. She explained that she is a member of the Medical Executive Committee at the Yountville Veteran's Clinic. She stated that she and the Committee are in support of speech-language pathologists conducting cognitive-linguistic evaluations and therapy. She stated that she has concerns when the treatment enters the realm of neurocognitive or cognitive therapy. She explained that a cognitive-linguistic test is radically different from a neurocognitive test or a cognitive test.

Ms. Del Mugnaio reiterated that the legal opinion prepared by Mr. Ritter specifically addresses cognitive-linguistic evaluation and therapy, and does not address neurocognitive and/or cognitive evaluation and/or therapy.

Ms. Hancock again reiterated the importance of different disciplines working together to complement each profession to achieve the best outcome for the consumer/patient.

Ms. Del Mugnaio explained that the Board has responded to the request by the facility and provided a legal opinion. She stated that it is not the role of the Board to "draw lines" for the facility. Ms. Del Mugnaio stated that, should the facility encounter further legal clarification issues as it continues through the process of establishing the credentialing and/or privileging program, the Board is available for guidance.

XIII. Public Comment on Items Not on the Agenda

No further comments were provided by the public.

XIV. Closed Session (pursuant to Government Code Subsections 11126 (a)(1) (c)(3) Proposed Decisions/Stipulations/ Other APA Enforcement Actions

- A. Proposed Default Decision for License Revocation In the Matter of the Accusation Against Mary Van Sicklen, SP 3009**
- B. Proposed Default Decision for License Revocation In the Matter of the Accusation Against Deril Schmitt, AU 318 & SP 2297**

XV. Announcements

A. Sunset Review Process Postponed until 2006/2007

Ms. Del Mugnaio explained that the Board will continue working on the draft sunset review document and present it at a future 2005 Board meeting. She stated that, as discussed earlier, the report is due to the Legislature in August 2006.

B. Next Board Meeting is July 29-30, 2005 Sacramento

Ms. Del Mugnaio explained that because of conflicts with the July 29 & 30, 2005 meeting dates, it is necessary to assign alternate dates for that meeting. The Board determined that the new dates will be August 18 & 19, 2005. This meeting will be held in Sacramento.

XVI. Future Meeting Dates

Ms. Del Mugnaio stated that the future meeting dates currently include October 28 & 29, 2005. She requested that all members bring calendars to the next meeting to establish additional meeting dates at that meeting.

XVII. Adjournment

There being no further discussion, Chairperson Raggio adjourned the meeting at 3:55 p.m.

Annemarie Del Mugnaio, Executive Officer